

Remarks/Arguments:

Applicant's representatives appreciate the time and courtesy extended by Examiner during the telephonic interview conducted on April 25, 2005. During that interview, the undersigned representatives of Applicant discussed the distinctions between claim 1 and U.S. Patent No. 6,293,925.

Claims 1, 3, 4, 12-14, and 17 stand rejected under 35 U.S.C. § 102(e) based on Bobroff et al. (U.S. Publication No. 2003/0225373) and Safabash et al. (U.S. Patent No. 6,293,925).

Independent claim 1 recites that "said first release button [is] moveable in a direction substantially normal to said insertion axis," wherein the insertion axis is defined by the cannula and insertion needle of the claimed inserter. Similarly, claim 14 recites a first release button "moveable in a direction substantially normal to said insertion axis." Finally, independent claim 17 recites the step of releasing a tension spring by pressing a release button "in a direction substantially normal to the insertion axis."

It is respectfully submitted that neither Bobroff et al. nor Safabash et al. discloses or suggests a release button moveable in a direction substantially normal to an insertion axis. In sharp contrast, both Bobroff et al. and Safabash et al. disclose a trigger button 38, 138, 508, 1016 that is mounted for movement along the insertion axis of a needle 12 and cannula 26. For example, referring to Figures 11 to 13 of Safabash et al. and the specification beginning at column 10, line 49:

The rearmost end of the actuator pin 72 defines the trigger button 38. As shown in FIGS. 11 and 13, the trigger button 38 can be depressed with a fingertip to move the actuator pin 72 through a short stroke against the return spring 86 in a direction toward the trigger fingers 58 at the rear end of the plunger 30. As shown best in FIG. 13, the actuator pin 72 has a hollowed cylindrical forward tip 88 with a diametric size for engaging and squeezing the trigger fingers 58 together at the rear end of the plunger 30, in a manner enabling those trigger fingers 58 to pass back through the tapered conical latch bore 68. As soon as the trigger fingers 58 thus release from engagement with the shoulder 70 on the support cap 60, the drive spring 36 translates the plunger 30 with the insertion set 14 thereon with a rapid and controlled force and speed toward the advanced position, resulting in transcutaneous placement of the needle 12 and cannula 26, as viewed in FIG. 15.

In fact, both Bobroff et al. and Safabash et al. teach a trigger button 38, 138, 508, 1016 that is prevented from movement in a direction substantially normal to the insertion axis of a needle 12 and cannula 26:

[T]he insertion set is assembled quickly and easily with the plunger head of the injector by laterally sliding the hub into the laterally open slot, thereby orienting the medical needle generally coaxially relative to the central axis of the injector barrel and plunger head. (Safabash et al. at col. 3, lines 14-28)

As best shown in Figs. 22 and 24-26, the trigger button 138 extends through an opening formed in the rear of the barrel 128, generally within a lock sleeve 178 formed integrally with the barrel 128. (Safabash et al. at col. 14, lines 37-40).

The end of the carrier body 504 having the assembly rim 505 is connected to a release button 508 that can be depressed or slightly extended relative to the carrier body 504. The release button 508 includes engagement tabs 550 and lock teeth 552

teeth 552 (see Figs. 35 and 36) that engage with carrier slots 554 and carrier locks 556 (see Figs. 36 and 38) to lock the release button 508 to the carrier body 504. The lock teeth 552 engage with the carrier locks 556 (see Figs. 36 and 38) to permit an amount of movement of the lock teeth 552 along the carrier locks 556 to allow the release button 508 to be depressed to release an insertion set from the carrier body 504. (Safabash et al. at col. 18, lines 12-22).

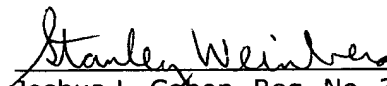
Based on the contrary teaching of Bobroff et al. and Safabash et al., and based on the ordinary meaning of the term "substantially normal," it is respectfully submitted that a rejection of the pending claims 1, 3, 4, 12-14 and 17 based on Bobroff et al. or Safabash et al. would be improper. Withdrawal of the rejections based on Bobroff et al. and Safabash et al. is therefore respectfully requested.

Conclusion

For the foregoing reasons, it is respectfully submitted that each of pending claims 1, 3, 4, 12-14 and 17 are patentable over the prior art applied in the Office Action. Allowance of the pending claims is therefore respectfully requested.

If the Examiner has any questions regarding the foregoing, he is invited to contact the undersigned in order to expedite the prosecution of this application.

Respectfully submitted,


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Patricia C. Bocella